

JUN 23 2006

PATENT

Attorney's Docket No. 046562/297703

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Frasca et al.
 Appl No.: 10/549,829
 Filed: September 20, 2005
 For: METHODS FOR PAIN USING SMOOTH MUSCLE MODULATORS AND $\alpha_2\delta$ SUBUNIT CALCIUM CHANNEL MODULATORS

Confirmation No.: 1682
 Group Art Unit: To Be Assigned

June 23, 2006

Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application dated May 11, 2006, enclosed are the following:

- ☒ Part 2 of Formalities Letter (Notice to File Missing Parts of Application)
☒ Declaration and Power of Attorney for the above-identified application, which has been executed by the named inventor(s)
☐ Declaration of Inventors which has been executed by the named inventor(s) and an Assignee Power of Attorney
☒ Applicant claims small entity status
☐ Check in the amount of \$0 to cover the surcharge under 37 C.F.R. § 1.16(f)
☐ English Translation and \$130.00 (37 CFR 1.17(i)) fee for filing late.
☐ Other:
☒ Any deficiency, additional fee, or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

06/30/2006 ATRANI 00000157 160605 10549829
 01 FC:1631 300.00 DA

Edward R. Ergenzinger
 Edward R. Ergenzinger
 Registration No. 47,549

Customer No. 00826
 ALSTON & BIRD LLP
 Bank of America Plaza
 101 South Tryon Street, Suite 4000
 Charlotte, NC 28280-4000
 Tel Raleigh Office (919) 862-2200
 Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at facsimile number (571) 273-8300 on the date shown below.

Lynda Jo Pixley
 Lynda Jo Pixley

June 23, 2006
 Date

06/30/2006 ATRANI 00000157 160605 10549829
 01 FC:1631 300.00 DA

08/09/2006 KWILLIAM 00000002 160605 10549829
 01 FC:2617 65.00 DA

JUN 23 2006

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Fax 919-862-2260

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June 23, 2006

Recipient:**Company:**

USPTO

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571-273-8300

Voice Number:**Sender:**

Edward R. Ergenzinger, Reg. No.
47,549

Message:**In re:** Fraser et al.**Appl No.:** 10/549,829**Filed:** September 20, 2005**For:** METHODS FOR PAIN USING SMOOTH MUSCLE MODULATORS AND
 $\alpha_2\delta$ SUBUNIT CALCIUM CHANNEL MODULATORS**Confirmation No.:** 1682**Group Art Unit:** To Be Assigned

Documents Attached: Response to Notice to File Missing Parts (1 pg); Declaration (3 pgs);
Copy of Notice of Missing Requirements (2 pgs)

Number of Pages: (including cover page) 7**IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT 919-862-2221.**

| | |
|-------------------------------------|----------------------------------|
| USER CODE: ERGE | REQUESTED BY: Lynda, 2233 |
| CLIENT/MATTER: 046562/297703 | OPERATOR: |

ADMIN/2197442v1

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MAY 11 2006



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| | | |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/549,829 | Matthew Oliver Fraser | 046562/297703 |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/US04/08700 | | |
| LA. FILING DATE | | PRIORITY DATE |
| 03/22/2004 | | 03/21/2003 |

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA

**826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000**

CONFIRMATION NO. 1682
371 FORMALITIES LETTER



Date Mailed: 05/08/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/20/2005
- Copy of the International Search Report filed on 09/20/2005
- Copy of IPE Report filed on 09/20/2005
- Copy of Annexes to the IPER filed on 09/20/2005
- Copy of Article 19 Amendments filed on 09/20/2005
- Information Disclosure Statements filed on 09/20/2005
- Request for Immediate Examination filed on 09/20/2005
- U.S. Basic National Fees filed on 09/20/2005
- Priority Documents filed on 09/20/2005
- Specification filed on 09/20/2005
- Claims filed on 09/20/2005
- Abstracts filed on 09/20/2005
- Drawings filed on 09/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- **Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.**
- **To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, for a**

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RTA

By 113 10
Date 5/11/02

must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

Additionally the following defects have been observed:

- Article 19 amendments have not been entered because the amendments have been replaced by the Article 34 annexes.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NPL | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/549,829 | PCT/US04/08700 | 046562/297703 |

FORM PCT/DO/EO/905 (371 Formalities Notice)